G. R. S. 58]

Previous references. 1924

G A & 24-16 (1-17) (Prisons

File No. 15-24

Serial Nos. 1—4

Later references.

Preserve
M.
17/11/24

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Four

Part B for November 1924

SUBJECT

Proposal for the amendment of rule 649 of the Jail manual in respect of the release of civil prisoners

Gorop. 2753-79 28-11-24

To the Jt Sec of Prisons
" Comptroller
" Regr Chief Court

Directs the amendment of the Rule as proposed and the issue of correction slips to the Jail manual.

Ramaswamy Iyengar
2/12/24

B173

GENERAL AND REVENUE SECRETARIAT.

(Pris)

NOTES.

File No. 15-24

FILE HEADING.

Amendment of rule 644 of the Jail Manual in respect of the release of civil prisoners

From Mr. I. G. Prisons

No. 1068/4707 Dated 5.8.24 Received 8.8.24

Diary No. 5-3-8	Enclos. 1	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests sanction to the amendment of rule 644 of the Jail Manual for necessary action, in view of the decision of the Appellate Court in Jail is upheld.

NOTES AND ORDERS.

Under Rules 644-645 State that subsistence allowance should be paid before the end of the month i.e. before the first day of each month in advance. This does not necessarily mean that the payment should be made only on the last day

Serial No.

days of the month. If advance payment is not made as per rule 644 + 645, the action may be taken as per rule 646. Cases as contemplated by this rule are of very rare occurrence, and provision for such a contingency is made by rule 686.

There was a rule - No. 731 in the Old Mysore Jail Manual (Edition 1918 that when the release of a convict falls on a Sunday, he is to be released on the Saturday previous, which provision is not forthcoming in the new Jail Manual. Similar rule as above exists in the United Provinces (Vide rule 567 - United Provinces Jail Manual) There is another rule in the U. P. Jail Manual rule 848, directing the Supdt of Jail to see that in case of non-receipt the diet-money of any civil prisoner within of the date it should reach the Court of issue of the warrant, not later than the [illegible] days before the close of the month for which the diet money has been received.

To avoid unnecessary expenditure as pointed by the D.G. rule 731 of the old

G. R. S. III-2,

General and Revenue Secretariat.

File No. 15 of 1924

Serial No.

Jail manual of our State may perhaps be revised with a similar direction as contained in the U.P. manual, leaving also rule 636 of the new manual in tact to provide for any contingencies.

9.8.24

Put up G.O. No 24-EA.4 dated 6th June 917.

1/8

Submitted with the file as above

15/8/24

The G.O. of prisons points out an anomaly in the rules 646 & 649 of the Jail manual.

Under Rule 646 a civil prisoner whose monthly subsistence allowance was not paid in accordance with rule, whose term expires or who the dues amount is paid should be released immediately.

Under Rule 649 which prescribes the procedure for the release of a civil prisoner whose the monthly subsistence allowance was not paid. Under this rule the prisoner cannot be released on a Sunday if the

General and Revenue Secretariat.

File No. 15 of 19 24

Serial No.

even if the subsistence allowance had not been paid before the 28th day of the month thus while under rule 646, the prisoner whose monthly subsistence allowance has not been paid should be released immediately, under rule 644 he cannot be released on a Sunday if it is on a Sunday.

Provision has been made under Rule 636 for meeting the detailed expenses of such detentions on Sundays.

The P.G. therefore suggests in view of the anomaly that the expenses mentioned to be got rule 644 may be amended.

Under Section 58 of the C.P.C. proviso, there are four cases mentioned under which the debtor may be released from prison - There is no distinction made in C.P.C. as to the time of release of each of those four cases. It is only in the rules made under the prisons Act that a distinction is made between the cases of a prisoner whose subsistence allowance is not paid and the rest in the matter of

Serial No.

releasing on Sundays or holidays.
If the reason for the procedure in Rule 649 is the reference to office registers on Sundays & holidays, the reason for the same procedure would seem to be necessary in the other cases also. The distinction made is not therefore apparent.

Rule 649 also contravenes the provisions of Section 58 of the C.P.C & rule should not be repugnant to the statute or to the general principles of law (see Maxwell page 481). Especially when it affects the personal liberty of a person.

If Section 10 of the General Clauses Act applies to the cases under Sec 58 C.P.C, it should apply equally to Rule 646 also & no distinction should be made between the one case under discussion & the others. So if the decree amount is paid on a Sunday, or an order of the Court is brought on a Sunday or the term expires on a Sunday the prisoner should be released on the next working day

Serial No.

such as in the case of persons whose subsistence allowance has not been paid.

So the prisoners falling under any of the clause of the 58 proviso should also be released on Sundays or they should not be released on Sundays but on the next working day.

Dy Secy. 16/8
1st Member

AD 16/8

S 16/8

I would like to know what is to be the procedure when the convicted prisoners in whose case the date of release falls on a Sunday. Is he to be released on the preceding day or the following day, previous or on Sunday alone.

As in the case of a Convicted prisoner, the date of release is calculated 10/8 before hand and there is no necessity in releasing on the on a Sunday. It does not require the presence of the prisoner. If in case of a civil prisoner, the

G. R. S. III-2]

550

General and Revenue Secretariat. | Prisons File No. 15 of 1924

Serial No.	
	release is ordered on a Sunday, the jail superintendent will have the power to release the prisoner that day, otherwise the jail superintendent have no discretion to release the jail on account of what may happen on the next date of release of a prisoner.
	Draft Letter.
2	To The I.G of Prisons No. P1443 dt 17.9.24. Calls for his opinion in the case referred to in it.
3	Letter No. 1379/90-24 dt 22.10.24 from the D.C. Chittoor, stating that he has no objection to the release

File No. 15/792/26 of 19 26

Serial No.

no objection on the part of the jail depts to attend the jails on Sundays to release civil prisoners.

Submit for orders - with reference to members remarks on the previous page.

30/10/26

Sd/ Ch Secy
1st Member

30/10

Sd/
31-10-

31-10

Secretary has accepted G of I proposal to be adopted & the rule amended

Sd/
16/11

Sd/
17-11

17/11

Draft Submitted

18/11/26

Sd/ Ch Secy

18/11

28/11/26

Sd/
19-11

19-11

The Hon'ble Minister
" Comptroller
" Legl. Secy.

Govt of Bengal No. 2753-7J dated 28-11-26

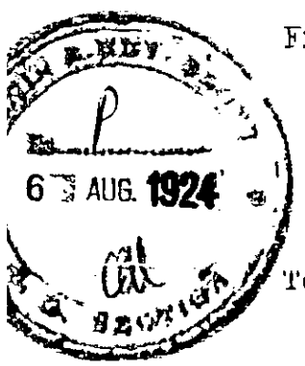
accepts the views of the Govt of India and directs the amendment of the rules as proposed & the issue of Correction slips.

8136

538/P.9

No. 1068 Genl-1. Office of the Inspector-General of Prisons
67-07 in Mysore,

Dated Bangalore, 5th August 1924.



From

Dr. H.B.Mylvaganam, F.R.C.S., (Eng).,
Inspector-General of Prisons
in Mysore, Bangalore.

To

B.Nagappa, Esqr., Bar-at-law.,
Secy. to the Govt. of H.H. the Maharaja
of Mysore, L.&.Legis: Depts; B'lor

Sir,

I have the honour to state that the Superintendent Bangalore Central Jail, reports in his letter No.951/F.20 dated the 25th ultimo, (copy enclosed) that under Rule 649 - Mysore Jail Manual, a civil prisoner whose monthly subsistence allowance is not paid into Jail, cannot be released on the 1st of the following month, if it happens to be Sunday or other Prison holiday and the prisoner is to to detained at the cost of the Government, while the same prisoner may under Rule 646 Mysore Jail Manual, be released immediately, even on Sunday or other such holiday.

(1) on payment of the amount mentioned in the warrant,
or (2) on expiry of the prescribed term,
or (3) on an order of the Court.

The Superintendent requests therefore to obtain sanction of Government to remove this anamoly of not releasing a civil prisoner on a Sunday or a Prison holiday, in the one instance above referred to, as he has to be detained at the cost of Government (Rule 636 Mysore Jail Manual), though civil prisoners are remanded to Jail, at the instance and cost of their creditors.

2. On a reference to the Inspector-General of Prisons, Madras, on the subject, he has replied in his letter No. 7376 dated the 17th [illegible]

remit the subsistence amount before the end of the previous month, under Rules 694 and 707 of the Madras Jail Manual, the Civil Debtor is detained and fed at Government cost, till the next working day of the succeeding month.

3. But notwithstanding the practice in vogue both in the Jails of Madras and in those of our State, I do not know why a civil prisoner should be kept in Jail, at the expense of the State, if the creditor fails to pay the subsistence allowance of the prisoner.

4. I request therefore that you will be so good as to obtain sanction of Government to amend the Rule in question, if the view of the Superintendent is upheld.

I have the honour to be,

Sir,

Your most obedient servant

[signature]

Inspector-General of Priso

Letter No. 951/F. 26 dated 25th June 1924 from the Superintendent, Central Jail, Bangalore, to the Inspector-Ger of Prisons in Mysore,

Bangalore.

-o-o-

I have the honour to bring to your kind notice that under Rule 649 Mysore Jail Manual, a civil prisoner whose monthly subsistence allowance is not paid into Jail cannot be release on the first of the following month if it happens to be Sunda or other Prison holiday and he is to be detained at the cost of Government, while the same prisoner may under Rule 646 be released immediately, even on Sunday or other such holiday.

(1) On payment of the amount mentioned in the warrant

or(2) on expiry of the prescribed term

or(3) on an order of the Court.

The anamoly that he should not be released on Sunday or Hol in the one instance above referred to may, I suggest, be remov as he is detained at the cost of Government (Rule 636 Mysore Manual), though civil prisoners are remanded to Jail at the in tance and cost of their creditors.

-@-@-@-@-@-@-@-@-@-@-

"C O P Y"

Inspector-General of Prisons.

5th August 1924.

G. R. S. VI–G-32]

SUBJECT

Diary No. of letter replied to

General and Revenue Secretariat

( )

, the *192* .

Section Pris

File No. 15.14

Serial No. 2

No. 0 1443

Date of issue 17/9/24

Signed by M. Y.

To

Mr. D. G. Burns

Sir,

With reference to your letter no. 106847-07 D 5-8-24 on the matter of the amendment of rule 64 of the Jail manual in respect of the release of civil prisoners, I am directed to request you to furnish early information as to whether there is any objection on the part of the Jail Superintendents to attend the Jail on a Sunday if that day happens to be the date of release of a civil prisoner.

An early reply is requested.

I have &c.

13.9

LEGISLATIVE SECRETARIAT
III
23 OCT 1924 No.
PROTECTION BRANCH 1379
LOCAL

19460

1792
P 13

Office of the Inspector-General of Prisons
in Mysore,
Dated Bangalore, 22nd October 1924.

Encl. two. 90-24.

From

Dr. B. Mahomed Usmon, L.M.S.,
Inspector-General of Prisons
in Mysore, Bangalore.

23 OCT. 1924
SECRETARIAT

Pris 15-24-3

B. Nagappa, Esqr., Bar-at-law.,
Secretary to the Govt. of H.H. the Maharaja
of Mysore, Local and Legis: Depts.,
Bangalore.

Sir,

With reference to your letter No. P.1443/Pris 15-24-3 dated the 17th September 1924, requesting me to intimate whether there is any objection on the part of the Jail Superintendents to attend the Jail on a Sunday, if that happens to be the date of release of a Civil prisoner, I have the honour to state that there is no objection on the part of the Superintendents in this matter, as they are expected to visit the Jail daily. Copies of lettersreceived from the Superintendents of both the Jails on the subject are herein enclosed.

I have the honour to be,
Sir,
Your most obedient servant,

B Mamon

INSPECTOR-GENERAL OF PRISONS.

A.V.L./as-10.

Letter No.1553/F. 76 dated 26th September 1924 from the Superintendent, Central Jail, Bangalore, to the Inspector-General of Prisons in Mysore, Bangalore.

-@-@-@-@-@-@-

In reference to your No.1316/90-24 dated 24-9-1924 I have the honour to state that under court order or afte lapse of committal period civil prisoners have to be - released immediately whether the day be a Sunday or holiday and I must in duty bound be present; but the point at issue is that under Section 636 and 649 Mysore Jail Manual in case of non-payment of the monthly subsistence allowance the debtor cannot be released on the following Sunday or holiday but only on the 1st working day and that on such Sundays and holidays he is fed at the cost of Government. It cannot be understood why Government should in this single instance detain him and inc r expense for such detention consequent on default by the creditor whereas a convict entitled to be released on a Sunday could according to Govt. proceedings 1174/Pris. 15-20-20 /dated 29th August 1921 be released on the previous Saturday.

-@-@-@-@-@-@-@-@-

"C.O.P.Y"

Inspector-General of Prisons
22-10-24.

avl.

Letter No.637 dated 2nd October 1924 from the Superintendent, Mysore Jail,Mysore, to the Inspector-General of Prisons in Mysore, Bangalore.

-@-@-@-@-@-@-@-@-@-@-

With reference to your Memo No.1303/90-24 dated 22nd September 1924 and subsequent reminder No.1335/90-24 dated 30th September 1924 there in respect of release of civil prisoner on Sundays, I have the honour to state as follows:-

Section 645 of the Jail Manual provides the latest date of payment of batta for the month it is due. If such payment is made on Sundays or after Lock-up time it shall be refused until next working day. Barring this one instance under this section, I am of opinion that civil debtors can be released on Sundays provided an amendment is made to this section 649 re: the release of civil debtors for non-payment of batta as it provides release only for the next working day.

-@-@-@-@-@-@-@-

" C O P Y "

Inspector-General of Prisons.

ection /

File No.

Serial No.

Proceedings of the Government of
His Highness the Maharaja of Mysor

Read—

Order Thereon No.

The letter no: 379/90-
22-10-24 from the
[illegible] stating that
[illegible] the Supdt of Jo
Bangalore Central & Re
[illegible] to attend the Jur
on Sunday, a holiday
that happens to be a
[illegible] the release of a civil
prisoner and requesting
[illegible] to his husband
[illegible] to be born.

[illegible] 2755

[illegible] No. [illegible]
[illegible] is enclosed to ac
[illegible] of the D.G. Prisons
[illegible] rule no: 64
Jail Manual [illegible]
[illegible] the necessa
[illegible] Jail Manual.

[illegible]
Secy to
[illegible]

The D.G. Prisons
The Superintendent
The Regl Chief Ar
[illegible]